

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**MATTHEW DICKSON, on behalf of  
himself and others similarly situated,**

**Plaintiff,**

**v.**

**DIRECT ENERGY, LP, TOTAL  
MARKETING CONCEPTS, LLC, and  
SILVERMAN ENTERPRISES, LLC**

**Defendants.**

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**C.A. NO. 5:18-cv-182**

**DECLARATION IN SUPPORT OF DIRECT ENERGY'S SURREPLY**

I, William B. Thomas, under penalty of perjury, declare as follows:

1. I am a partner at the law firm McDOWELL HETHERINGTON LLP and an attorney appearing on behalf of Defendant Direct Energy, LP ("Direct Energy") in this case. I submit this Declaration in support of Direct Energy's Surreply in further Opposition to Plaintiff's Motion for Class Certification.

2. On June 25, 2020, Jessica D. Hamilton, CFO of Active Prospect, confirmed that the TrustedForm Certificates sought through Request No. 4 of Plaintiff's subpoena to Active Prospect were deleted. Attached as Exhibit 1-A is a true and correct copy of the email exchange.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 14, 2020.



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William B. Thomas